

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MOUNTAIN TOP BEVERAGE
GROUP, INC.,

Plaintiff(s)

vs.

WILDLIFE BREWING N.B., INC., et al,

Defendant(s)

: Case Number: 1:01cv832-SJD

: District Judge Susan J. Dlott

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that plaintiff has failed to use its Wildcat mark in commerce to support its federal registration. Plaintiff's federal registration of its Wildcat mark is therefore cancelled, and defendant Pittsburgh Brewing Company's motion for summary judgment and the portion of defendants Wildlife and Sorenson's motion for summary judgment on plaintiff's claims are GRANTED. (Doc. 42)

. . . that Mountain Top's motion for summary judgment in Wildlife's federal claim of false designation of origin and state statutory and common law claims of trademark infringement, deceptive trade practices, unfair competition, dilution of mark, tortious interference with contract and business relationship, and unfair business practices is GRANTED. (Doc. 59)

8/11/04

JAMES BONINI, CLERK

s/Stephen Snyder
Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.